



**JOHN E. BALDACCI**  
GOVERNOR

**BROOKE E. BARNES**  
ACTING COMMISSIONER

January 24, 2003

Senator John Martin, Senate Chair  
Representative Theodore Koffman, House Chair  
Joint Standing Committee on Natural Resources  
State House, Room 437  
Augusta, ME 04333-003

Re: Evaluation of the point system used by DEP and LURC in clearing standards for development

Dear Senator Martin, Representative Koffman and Members of the Natural Resources Committee:

Chapter 97 of Public Laws 2002 approved substantive amendments to Department rules relating to the cutting and removal of vegetation adjacent to protected natural resources. As part of that approval, the Legislature requested that the Department of Environmental Protection and the Land Use Regulation Commission evaluate the point system used by the agencies to define what constitutes a well-distributed stand of trees between development and a regulated water body. The agencies were to invite the participation of the regulated community in this evaluation and report the results to your committee by January 15, 2003.

As directed, LURC and DEP have established a work group that includes several members of the regulated community. Several meetings have been held, forest stand data has been analyzed and a revised point system has been tentatively established. However, the work group feels strongly that any revisions to the point system should be analyzed in the field, which has not taken place at this time. The work group is interested in field testing the modified point system at a minimum of 2 different locations with different forest types involved.

It is anticipated that the field testing can be done over the course of the next month or so and that a report to your committee can be made by April 30, 2003. A copy of Chapter 97 of Public Laws 2002 is attached for your reference. Please call either of us directly if there are any questions or if the proposed reporting date of April 30, 2003 is unacceptable.

Sincerely,

David A. Van Wie, Director  
Bureau of Land & Water Quality

Catherine M. Carroll, Acting Director  
Land Use Regulation Commission